

EXHIBIT

A

PATENT

EXPRESS MAIL CERTIFICATE

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231, ON May 22, 1987. SAID ENVELOPE HAVING AN EXPRESS MAIL MAILING LABEL NUMBER OF: 823298419.

Gautam P. Shah
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Response under
37 CFR 1.116
Expedited Procedure
Examining Group 241

Applicant: Gautam P. Shah Group Art Unit: 154
Serial No.: 842,600 Examiner: Thomas J. Herbert
Filed: March 21, 1986 Docket: 41259
For: Oxygen Barrier Oriented Shrink Film

AMENDMENT AFTER FINAL REJECTION

Honorable Commissioner of
Patents and Trademarks
Washington, D. C. 20231

Sir:

In response to the Office Action dated May 8, 1987 and pursuant to 37 CFR 1.116 the applicant, through and by his attorneys, hereby respectfully submits the following amendment and accompanying remarks for your review and consideration. This amendment and remarks are offered to clarify the issues and present the finally rejected claims in better form for consideration upon appeal, if such action is necessary.

IN THE CLAIMS

Kindly amend the claims as follows:

Claim 1. (amended) An oriented coextruded [multilayer] film having at least seven layers arranged symmetrically comprising:

- a) a core layer comprising an ethylene vinyl alcohol copolymer;
- b) two intermediate layers each comprising a polyamide;

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c) two outer layers each comprising a polymeric material or blend of polymeric materials; and

d) [each of said intermediate layers adhered to a respective outer layer by a layer of adhesive polymeric material; said layers of the multilayer film forming a symmetrical heat-shrinkable structure] two layers, each comprising an adhesive polymeric material, which adhere each of said intermediate layers to a respective outer layer .

Claim 6. (Amended) An oriented coextruded [multilayer] film having at least seven layers arranged symmetrically comprising:

a) a core layer comprising an ethylene vinyl alcohol copolymer;

b) two intermediate layers each comprising a polyamide;

c) two outer layers each comprising a blend of polymeric material taken from the group consisting of (i) a blend of a linear low density polyethylene, a linear medium density polyethylene, and an ethylene vinyl acetate copolymer, and (ii) a blend of an ethylene propylene copolymer and a polypropylene; and

d) [each of said intermediate layers adhered to a respective outer layer by a layer of adhesive polymeric material] two layers, each comprising an adhesive polymeric material, which adhere each of said intermediate layers to a respective outer layer .

Claim 14. (Amended) A biaxially oriented coextruded [multilayer] film having at least seven layers arranged symmetrically comprising:

a) a core layer comprising an ethylene vinyl alcohol copolymer;

b) two intermediate layers each comprising a polyamide;

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c) two outer layers each comprising a blend of polymeric material taken from the group consisting of (i) a blend of a linear low density polyethylene, a linear medium density polyethylene, and an ethylene vinyl acetate copolymer, and (ii) a blend of an ethylene propylene copolymer and a polypropylene;

d) [each of said intermediate layers adhered to a respective outer layer by a layer of adhesive polymeric material] two layers, each comprising an adhesive polymeric material, which adhere each of said intermediate layers to a respective outer layer ; and

e) said film having a total thickness of from about 0.5 mils to about 2 mils.

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REMARKS

The Examiner is respectfully requested to reconsider the grounds on which the Final Rejection is based.

Claims 1, 6, and 14 have been amended to clarify that:

- (1) at least seven layers are claimed, and that
- (2) these layers are symmetrically arranged.

Sheptak only teaches five layers, symmetrically arranged (14) and the overall eight layer structure (S) of the reference is assymetric.

If, as the Examiner has argued, it would be obvious to employ the outer layers of Mueller at the outer layers in Sheptak, one of two structures would result. In the first, the outer layers 15 of five-layer film 14 of Sheptak would have the blends disclosed in Mueller. The second possibility would be that one of layers 15 (adjacent the porous mass of glass fibers comprising batt 13) and layer 20 would be the "outer" layers of Mueller.

In either hypothetical, an oriented coextruded film having at least seven layers arranged symmetrically is not achieved.

The applicant solicits reconsideration of the Final Rejection in light of these remarks, and the claims as amended. The Examiner is invited to communicate with the undersigned representative if it will expedite the prosecution of this case.

Respectfully submitted,

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